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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE TIRATH S.THAKUR

WRIT PETITION No.4224 OF 1998

BETWEEN:

Gaanasree Cultural Social  
Educational Association (R)  
Krishnadevarayanagar, 2nd Stage,  
Bangalore-560 078,  
by its Secretary  
Ramesh, Major, s/o Krishnappa ..PETITIONER

(By Sri Harsh Desai, Adv.)

AND:

1. The State of Karnataka,  
by its Secretary to the  
Department of Education,  
M.S.Building,  
Bangalore-560 001.
2. All India Council for Teacher  
Education (NCTE),  
Southern Regional Committee,  
No.66, 6th Main, 4th Block,  
Rajajinagar, Bangalore-560 010,  
by the Regional Director. ..RESPONDENTS

(By Mr.N.K.Ramesh, AGA for R-1;  
By Sri D.V.Shailendra Kumar, Adv.for R-2)

Writ Petition is filed under Article 226 of  
the Constitution of India praying to direct respondent No.1  
State Government to issue No Objection Certificate in  
favour of the petitioner to start 2 year TCH Course-Gaanasree  
TCH College forthwith and for grant of such other reliefs.

This petition coming on for orders this day,  
the Court made the following:

ORDER

O R D E R

The petitioner appears to have made an application seeking a No Objection Certificate from the State Government for establishing a Teachers Training Institution. This application was rejected by an order dated 15.11.1994 (Annexure-A) to the petitioner on the ground that the State Government had taken a policy decision not to permit any such institutions to come up till the end of 8th Five Year Plan. Upon the expiry of the 8th Five year Plan, the petitioner appears to have made fresh applications vide Annexure-D, E and F requesting the State Government to grant a No Objection Certificate. These applications are pending before the State Government. The second respondent-Council has in the mean-while through its Southern Regional Committee instructed the petitioner to produce a No Objection Certificate from the State Government failing which its application for permission to establish the institution shall not be processed further and may be treated as closed.

539

The petitioner has in the above background prayed for a mandamus directing the State Government to issue the No Objection Certificate and also a direction to the 2nd respondent to consider the petitioner's application for grant of permission.

2. Mr. Shailendra Kumar, learned Counsel appearing for the 2nd respondent points out that since the petitioner proposes to set up a new institution, production of a No Objection Certificate is one of the requirements prescribed under Regulation 5 of the Act. He states that the question of granting any permission to the petitioner in the absence of a No Objection Certificate does not arise and that the Council was justified in declining to process the application for want of the same. Mr. Ramesh, appearing for the State Government on the other hand submits that although the application made by the petitioner earlier has been rejected, its fresh applications would be considered and disposed of within a period of two months if so directed by this Court.



500

3. The petitioner's application for grant of the requisite Certificate was made as for back as in July, 1997. Nearly one year has elapsed since then without any fruitful action in the matter. The continued pendency of the applications filed by the petitioner for a long time entitle it to a mandamus from this Court directing the Government to consider the same and pass appropriate orders expeditiously.

4. In the result, this writ Petition succeeds but only in part and to the extent that the State Government shall consider the petitioner's application for a No Objection Certificate and pass orders expeditiously and as far as possible within a period of three months or till the application made by the petitioner is disposed of by the State Government, whichever is later the 2nd respondent shall not reject the petitioner's request, if not already rejected.

Parties to bear their own costs.



rt- CS/-

Sd/-  
JUDGE